

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bernard DAUTREPPE, et al.	Art Unit: 3727
Serial No.: 09/831,918	Examiner: Lien M. NGO
Filed: February 7, 2002	
For: EASY-TO-OPEN COVERS	

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

I, Jacques Granger, do hereby declare as follows:
REJECTIONS UNDER 37 C.F.R. 1.132 filed in the present application on January 17, 2006.

I am familiar with new claims 62 and 82 currently being filed in the present application, and which are appended hereto.

The commercially successful article described in paragraph 3 of my previous declaration is fully commensurate in scope with method claim 62 and article claim 82, particularly regarding the location of the lower line of weakness, the width L between the lines of weakness, the height H and the relationship between L and H.

Utilizing the claimed parameters results in an overcap having an upper portion which is cleanly removed after pulling on the gripping tab, exposing the cork and cork wire, and a lower portion which remains intact on the bottle.

I further declare that all statements made by me herein are true and all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and may jeopardize the validity of the application or any patent issued thereon.

September 7, 2006

Date



Jacques Granger

APPENDIX

62. (new) Method for overcapping a bottle of sparkling wine with a cover comprising a head and a skirt, the sealed bottle of sparkling wine having a neck with an opening therein surrounded by a glass ring, the opening being sealed with a cork having a head which protrudes from the opening and which is secured to the neck with a metal tightening wire, the tightening wire being removably secured under the glass ring and including a wire loop, comprising the steps of:

providing a cover having a skirt with upper and lower lines of weakness defining a opening strip with a gripping tab at a free end of the strip, the lower line of weakness dividing the cover into an upper portion and an lower portion, and being disposed at a distance H from a top of the cover, distance H corresponding to an axial height between the protruding head of the cork at its top and the glass ring at its bottom,

the skirt having a width L between the upper line of weakness and the lower line of weakness, wherein L is at least $0.5 \times H$; and

overcapping the sealed bottle of sparkling wine with the skirt having a width L between the upper line of weakness, wherein pulling on the gripping tab enables removal of the upper portion of the cover, and thereby exposes the loop, the tightening wire and cork to enable opening of the sealed bottle.

82. (new) A sealed bottle of sparkling wine including an easy-to-open overcapping cover, comprising:

a neck having an opening and a glass ring surrounding the opening;

a cover sealing the opening and having a protruding head;

a metal cork wire having a tightening wire fastening the cork to the neck of the bottle removably secured under the glass ring of the neck and further including an opening loop; and

comprising:
a head and a skirt of a sheet material, said sheet

material being selected from the group consisting of aluminum or aluminum alloy of thickness between 25 and 50 μ m, tin or tin alloy of thickness between 110 and 150 μ m and aluminum and plastic multilayer material of thickness between 60 and 110 μ m;

an easy-to-open means provided on said skirt and including an upper line of weakness and a lower line of weakness, the upper and lower lines of weakness defining an opening strip having a width L , and the upper and lower lines of weakness being substantially parallel and extend substantially around a whole circumference of the cover, the easy-to-open means also comprising a gripping tab disposed

at a free end of the opening strip, the gripping tab comprising notches disposed at upper and lower ends thereof to direct tearing of the opening strip during a first opening of the bottle by pulling on the gripping tab and removing the upper part along the lower line of weakness, the lower line of weakness being located on the cover at a height H from a top of the cover, the height H defining a partition of the cover into the upper part and the lower part, wherein the lower line of weakness is located with respect to the neck of the bottle such that removal of the upper part after tearing of the opening strip provides access to the loop, tightening wire and the cork, the lower part remaining intact on the neck, and wherein the upper line of weakness is separated from the lower line weakness by a distance L at least equal to $0.5 H$.